IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION Nos. 24509, 24748 of 2004, 1641, 2615, 4785, 5215 and 6464 of 2005

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WRIT PETITION NO : 24509 of 2004

Between:

1. M.S. Bhaskar, S/o. Lazar,
Telecom Mechanic in Jammalamadugu Exchange. (All are Working as

Telecom Mechanics Under the Control of the General Manager, Telecom,

Cuddpah)
2.C. Kondiah, S/o. C. subbanna,
Telecom Mechanic in Proddatur Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)
3.A. Sanjeeva Reddy, S/o. a. Muni Reddy,
Telecom Mechanic in Kodur Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)
4.K. Krishna Reddy, S/o. K. Pulla Reddy,
Telecom Mechanic in Pulivendla Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)
5.P. Prabhakar, S/o. P. Prabhudas,
Telecom Mechanic in Proddatur Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)
6.S. Mahaboob Peeran, S/o. s. Babu Saheb,
Telecom Mechanic in Peddamudium Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)

7.M. Venkateswarlu, S/o. M. Nagaiah,
Telecom Mechanic in Budvel Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)
8.M. Lavakusha Reddy, S/o. M. rama Lakshmi Reddy,
Telecom Mechanic in Budvel Exchange. (All are Working as Telecom

Mechanics Under the Control of the General Manager, Telecom, Cuddpah)

..... PETITIONERS

AND

1 The General Manager, Telecom, Cuddpah.
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Mandamus declaring that the petitioners are entitled for placement in the scale of Rs.4000-100-6000 in the cadre of Telecom Mechanics on completion of 16 years of service from the date of their appointment as regular mazdoors/Group-D as the case may be in terms of judgment of Central Administrative Tribunal, Hyderabad in O.A.No.1966/99 dated 9-8-2000 as confirmed by this Hon'ble Court in W.P.No. 14744/2001 dated 16-10-2003 and also in terms of Lrs.No.1-38/MPP-98 dated 24-4-1999 and letter No. 1-38/98-MPP dated 20-9-1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of I.D.A scales.

Counsel for the Petitioner: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MS.P.SARADA

Counsel for the Respondent Nos.2 to 4: MR.A.SURYACHANDRA RAO

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WRIT PETITION NO : 24748 of 2004

Between:

1.K. Anjaneyulu, S/o. K. Partha Secretary, Yerraguntla.
2.O. Subbanna, S/o. O. Ganganna, Vempalli.
3.Y. kanaka Valli, W/o. Y. Suvarta Rao, MBM Exchange.
4.T. Venkata Subbaiah, S/o. T. Shesanna,

5.K. Peddanna, S/o. K.C. Sanjeevaiah,
6.K. Aricalaiah, S/o. K. Kashanna, S.D.E. Yerraguntla.
7.V. Kumara Swamy, S/o. V. Subba Ramaiah, Under SDE (Gr). Rajampet.
8.V. Basha, S/o. V. Gurrappa, Pullampet.
9.R. Venkata Ramana, S/o. R. Rangaiah,
Rajampet under SDE Phones.
10.A. Venkata Subbaiah, S/o. a. Venkata Subbaiah, Koduru.
11.B. Pullaiah, S/o. B.P. Narayana,
12.Y. Mallikarjuna, S/o. Y. Narayana,
13.K. Chandraiah, S/o. K. Venkatappa,
14.C. Khadraiah, S/o. K. Venkatappa,
15.S. Sivasankara Reddy, S/o. S. Siva Reddy,
16.A. bhaskara Kumar, S/o. A. Venkata Subbanna, Rajampet.
17.B. Chandra Sekhar, S/o. B. Venkateshu,
18.N.M. Sudhakar, S/o. Danam,
19.G. Ramakrishna Reddy, S/o. G. Gangireddy, Yerraguntla.
20.B. Naga Bhushanam, S/o. B. Rameswara Sarma, Cuddpah.

(all are working as Telecom Machanics under the control
of the General Manager, Telecom, Cuddapah.)

..... PETITIONERS

AND

1 The General Manager, Telecom Cuddpah.
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction more in the nature of mandamus declaring that the petitioners are entitled for placement in the scale of Rs. 4000-100-6000 in the cadre of Telecom Mechanics on completion of 16 years of service from the date of their appointment as Regular Mazdoors/Telecom Messengers as the Case may be in terms of judgment of Central Administrative Tribunal, Hyderabad in O.A.No.1966/99 dt. 9.8.2000 as confirmed by this Hon'ble Court in W.P. No.14744/2001 dt. 16.10.2003 and also in terms of Lrs. No.1-38/MPP-98, dt. 20.4.1999 and letter of No.1-38/98-MPP, dt. 20.9.1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefits of I.D.A. scales.

Counsel for the Petitioner: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MS.P.SARADA

Counsel for the Respondent Nos.2 to 4: MR.A.SURYACHANDRA RAO

WRIT PETITION NO : 1641 of 2005

Between:

1.Ch. Satyanarayana S/o Ch. Sriram Murthy, O/o SDE (MDF) Tel. Exchange,

Telecom Mechanics under the Control of the General Manager, Telecom

District West Godavari District Eluru.
2.I. Murali Krishna S/o I. Nageswara Rao, O/o SDE (MDF) Tel. Exchange,

Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
3.V. Rama Murthy S/o Veeraju
O/o SDO PI., Bhimavaram Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
4.B. Adinarayana S/o B. Raghavulu 43
O/o SDO PII., Bhimavaram Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
5.R. Surya Rao S/o R. Anjaneyulu
O/o SDO (P) Tanuku Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
6.R. Rama Krishna S/o Mallyya 43
O/o SDO PII., Bhimavaram Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
7.I. Rama Krishna S/o I. Chintha Rao 43
Telephone Exchange Akividu Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
8.G. Bala Krishna Prasad S/o G. Satyanarayana
O/o SDOP.II. Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
9.M. Venkateeswara Rao S/o Guruvulu
Telephone Exchange Chintalapadu Telecom Mechanics under the Control of

the General Manager, Telecom District West Godavari District Eluru
10.A.B. Panduranga Rao S/o Ganga Rao
O/o SDO(P)-II Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
11.V. Y.V.N. Swamy S/o Raghavulu
O/o SDO(P)-I Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
12.G. Durga Rao S/o Subramanyam
O/o SDO(P)-I Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
13.K.V. Somabrahmam S/o Subramanyam
Telephone Exchange Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
14.T. Venkata Narasayya S/o T. Chellayya
Telephone Exchange, Kovvar, SDE. Phones Telecom Mechanics under the

Control of the General Manager, Telecom District West Godavari District

Eluru.
15.M. Yesuratnam S/o M. Narasimhulu
O/o SED. MD.F Section Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
16.K. Muthyala Rao S/o K. Styanarayana Murthy,
Telephone Exchange, yendagandi Telecom Mechanics under the Control of

the General Manager, Telecom District West Godavari District Eluru
17.Ch. Abraham S/o Ch. Venkataratnam
Madhadevapattanam Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
18.B.V.R. Patnaik S/o Krishna Murthy
O/o SDE.P. Tadepalligudem Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
19.Md. Mahaboob Ali S/o Hyderali
O/o SDOP tadepalligudem Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
20.M. Rama Krishna S/o Venkata Ratnam
O/o SDOP.I. Eluru Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
21.K. Ramachandra Rao S/o K.D. Nageswara Rao
O/o SDO.P Tadepallidudem Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
22.K. Atchutarama Rao S/o S. Rao
O/o SDE.P. Tadepalligudem Telecom Mechanics under the Control of the
General Manager, Telecom District West Godavari District Eluru
23.M. Ananda Rao S/o M. Venkateswara Rao
O/o SDE. P. Jangareddigudem, West Godavari District Telecom Mechanics

under the Control of the General Manager, Telecom District West Godavari

District Eluru

..... PETITIONERS

AND

1 The General Manager, Telecom, West Godavari District at Eluru
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad
3 The Director General Telecom, New Delhi
4 The Chairman, & Managing Director, BSNL, Telecom, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Mandamus declaring that the petitioners are entitled for placement in the scale of 4000-100-6000 in the Cadre of Telecom Mechanics completion of 16 years of service from the date of their appointment as regular mazdoors/Group-D as the case may be interims of Judgment of Central Administrative Tribunal, Hyderabad in O.A. No. 1966/99 dated 9-8-2000 as confirmed by this Hon'ble Court in WP No. 14744/2004 dated 16-10-2003 and also in terms of Lr. No. 1-38/MPP-98, dated 20-4-1999 and Lr. of even No. 1-38/98-MPP, dated 20-9-1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of IDA scales.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MR.T.HANUMANTHA REDDY

Counsel for the Respondent Nos.1 to 4: MR.A.SURYACHANDER RAO

WRIT PETITION NO : 2615 of 2005

Between:

1.B. Hari, S/o. B. Chengal Raju,
Employee No. 12018, Telecom Mechanic, O/o. SDE (MDF), Tirupati.
2.P. Muniramaiah, S/o. P. Munaswamy,
Employee No. 14023, Telecom Mechanic, O/o. SDE, External-I, Tirupati.
3.K. Purushothama Raju, S/o. K. Venkata Raju,
Employee No. 6030, Telecom Mechanic, O/o. SDE (Extl.III), Tirupati.
4.V. Srinivasulu Reddy, S/o. V. Venkata Redy,
O/o. SDE Ext. III< Tirupati,. Telecom Mechanic,
5.B.N. Moorthy, S/o. B.R.Nagaraja Rao,
O/o. SDE Ext. III, Tirupati. Telecom Mechanic,
6.P. Chengalrayulu, S/o. P. Chengaiah,
O/o. SDE (Phones), Srikalahasthi, Telecom Mechanic, Chittoor District.
7.A.V. Prasad, S/o. A.V. Narayanaiah,
O/o. SDE (Phones), Srikalahasthi, Telecom Mechanic,
8.K. Arjunaiah, s/o. K> Rangaiah,
O/o. Telephone Exchange, Pachikapallam, Telecom Mechanic,
SDOT(G), Puttuur.
9.K.Govinda Swamy, S/o. K. Krishna Reddy,
Telecom Mechanic, O/o. SDE Extnl. I, Tirupati.
10.B.J. Manohar, S/o. b.V. Jagannadham,
Telecom Mechanic, O/o. Telecom Machanic, in the O/o. SDE Compl,
GMTD, Tirupathi.
11.V.V. Krishna Reddy, S/o. V. Venkatarami Reddy,
Telecom Machanic, O/o. SDE Compl, GMTD, Tirupati.
12.R. Balachandra, S/o. R. Changal Raju,
Telecom 'Mechanic, O/o. SDE Phones, Puttuur.
13.K. Neelakantam Raju, s/o. K. Subbaramma, Raju,
Telecom 'Mechanic, O/o. SDE Phones, Puttuur.
14.D. Rajanna, S/o. D. Narayana,
Telecom 'Mechanic, O/o. SDE II, Tirupati.
15.B. Reddinarayana, S/o. B. Venkatramaiah,
Telecom 'Mechanic, O/o. SDE (phones), Pileru.
16.G. Tharachandra, S/o. G. Gangaiah,
Telecom Machanic, Telephone Exchange, BAKARAPET,
O/o. SDE. (Groups), PIler.
17.S.T. Jilani Basha, s/o. S. Imam Saheb,
Aragouda, O/o. SDE (Groups), Aragonda.
18.P. Sreeramulu, S/o. P. Subbaiah,
Telecom 'Mechanic, Telephone Exchange, O/o. SDE Groups), Aragonda.
19.A.R. Rajendran, S/o. a.R. Lakshmipathi,
Telecom 'Mechanic, Telephone Exchange, Bangarupalem,
O/o. SDE. (Groups), Aragonda.
20.K. Subramanyam Reddy, S/o. K.Venkata Reddy,
Telecom 'Mechanic, Telephone Exchange, Penumur,
O/o. SDE. (Groups), Chittoor.
21.N. Suryakanthi, S/o. N. Narayana Swamy,

Employee No. 12036, O/o. SDE (Phones, Chitoor.
22.D. Umapathi, S/o. D. Munirathnam Naidu,
Employee No. 12029, O/o. SDO, Phones, Chittoor.
23.J. Devakadacham, S/o. J. Jyothinajakam,
Employee No. 12034, O/o. SDO, Phones, Chittoor.
24.Anna Swamy, S/o. Rajunayakar,
Employee No. 24009, O/o. SDO, Phones, Chittoor.
25.Ganeshan, S/o. Parusaram Naik,
Employee No. 24021, O/o. SDO. Phones, Chittoor District.
26.K.Malliswari, S/o. K. Anand,
Employee No. 8035, O/o. SDE (Phones). Chittoor.
27.V.G.V.R. Kumar, S/o. V. Hanumanth Rao,
Employee No. 24049, O/o. SDOP, Chittoor.
28.N. Lokanandham, S/o. N. Elumalai Chetty,
Employee No. 12022, O/o. SDE (MDF), Tirupathi.
29.V. Ramesh Babu, S/o. V. Ankama Rao,
Employee No. 6035, O/o. SDE (Groups), Pilleru,
30.M. Yuvaraj, S/o. M. Doraswamy Reddy,
Employee No. 12014, O/o. SDE Central, Tirupati.
(All are working as Telecom Machanics under the control of General

Manager, Telecom District, Tirupati.)

..... PETITIONERS

AND

1 The General Manager, Telecom District, Tirupati.
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of mandamus declaring that the petitioners are entitled for placement in the scale of Rs. 4000-100-6000 in the cadre of Telecom Mechanics on completion of 16 years of service from the date of their appointment as Regular Mazdoor/Group-D/Telegraphmen as the case may be in terms of Judgment of Central Administrative Tribunal, Hyderabad in O.A.No. 1966/99, dated 9-8-2000 as confirmed by this Hon'ble Court in W.P.No. 14744/2001 dated 16-10-2003 and also in terms of Lr.No. 1-38/MPP-98, dated 20-4-1999 and Letter of even NO. 1-38/98-MPP, dated 20-9-1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of I.D.A. Scales.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MR.P.SARADA

Counsel for the Respondent Nos.1 to 4: MR.A.SURYACHANDRA RAO

WRIT PETITION NO : 4785 of 2005

Between:

1.K. Ramachandra Rao S/o.K. Lakshman Rao
O/o. S.D.E. E-10 Exchange, Kurnool.
2.G. Satyanarayana Reddy S/o. G. Gali Reddy
Telecom Mechanic, O/o. Superintendent, CTO, Kurnool.
3.K. Narasaiah S/o. K. Naganna
Employee No. 13083, O/o. SDOP, Kurnool,
4.A. Harinath S/o. A. Eswaraiah
Employee No. 22101, O/o. SDOP, Kurnool,
5.B. Rama Rao S/o. B. Narasimha Rao
Employee No. 17089, O/o. SDOP, Kurnool,
6.R. Venkata Narayana S/o. R. Pichaiah
Employee No. 19047 O/o. SDE Groups, Gudur Exchange, Kurnool.
7.B. Chidananda S/o. Obulaiah
Employee No. 23039 O/o. SDOT Yemmiganoor, Kurnool.
8.S.C. Sanjappa, S/o. S. Anjanaiah
.Employee No. 19062, O/o. SDE (G), Nandikokur.
9.M. Abdul Waheed S/o. M.Abdul Shareef,
Employee No. 19043 O/o. SDE Kodmur, Kurnool District.
10.Sk. Mahaboob Saheb S/o. Sk. Fakruddin
Employee No. 19059 O/o.Srisailam Project (SDE)
11.N. Suryanarayana Raju S/o. N.V. Subba Raju
Employee No. 19063] O/o. Banganapalli (SDE),
12.V. Somanna S/o. V. Beesanna
Employee No. 19048 O/o. SDOP, I, Kurnool.
13.M. Venkobba Rao S/o. M. Chandrappa
Employee No. 17038 O/o. SDOT, Yammiganur.
14.Y. Rameswara Rao S/o. Y.P. Ramaiah
Employee No. 19113, O/o. SDE, Cables, Nandyal.
15.P. Kareem Khan S/o. P. Mahaboob Khan
Employee No. 19121, O/o. SDOT, Allagadda.
16.M.Narayana S/o. M. Hussainappa
Employee No.19044, O/o. SDOP, II, Kurnool.
17.P. Chand Basha S/o. P.Mahboob Khan,
Employee No.19120 O/o. SDOT, Allagadda.
18.S. Venugopal, S/o.G. Anjinaiah
Employee No.19034 O/o. SDOT, Yemmiganur.
19.Ch. Venkata Ramana S/o. C. Obulappa
Employee No.19036, O/o. SDOT, Yemmiganur.
20.Ch. Chandra S/o. C. Sarabaiah
Employee No.19033, O/o. SDOT, Yemmiganur.
21.B.V. Ramana Rao S/o. B. Narasimha rao
Employee No.14019 O/o. DET, CFC, Projects, Kurnool.
22.K. Nagaraju S/o. K. Sripathi Rao
Employee No.19310, O/o. SDE, Phones, Dhone.
23.V.Venkata Swamy S/o. V. Ranganna,
Employee No.14085, O/o. SDOT,Kurnool.
24.S. Abdul Khadar S/o. S. Destagiri,
Employee No.19054 O/o. SDOP,Kurnool.

25.K. Samson S/o. K. Devasahayam
Employee No.19130 O/o. SDOT, Allagadda.
26.C. Devadad S/o. C. John,
Employee No.17115, O/o. SDOT, Yammiganur.
27.P. Masthan Saheb, S/o. P. Kaja Husan,
Employee No.19046, O/o.SDE, Phones, Kandikotkur.
28.S. Nabi Rasool S/o. M. Ghouse Maiah,
Employee No.22107 O/o. SDE(GR) BSNL, Pattikonda.
29.P. Subbanna S/o. Late P. Haripaiah
Employee No.23047, O/o. SDOT, Allagadda.
(All are working as Telecom Mechanics under the control of General

Manager, Telecom Dist., Kurnool)

..... PETITIONERS

AND

1 The General Manager, Telecom District, Kurnool.
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of Mandamus declaring that the petitioners are entitled for placement in the scale of Rs. 4000-100-6000 in the cadre of Telecom Mechanics on completion of 16 years of Service from the date of their appointment as Regular Mazdoor/Group -D/Telegraphman as the case may be in terms of Judgment of Central Administrative Tribunal, Hyderabad in O.A.No. 1966/99 dt. 9-8-2000 as confirmed by this Hon'ble Court in W.P. No. 14744/2001 dt. 16-10-2003 and also in terms of Lr.No. 1-38/MPP-98 dt. 20-4-1999 and letter of even No. 1-38/MPP-98 dt. 20-9-1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of I.D.A. Scales.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MR.P.SARADA

Counsel for the Respondent Nos.1 to 4: MR.A.SURYACHANDRA RAO

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WRIT PETITION NO : 5215 of 2005

Between:

1.K. Kodandarama Pillai, S/o. K. Venkatraya Pillai,
O/o. Telephone Exchange, G.D.Nellore, O/o. S.D.O.T. Chittoor.
2.E. Subramanyam Raju, S/o. e. Chinnama Raju,
Telephone Exchange, Varadayapalem, O/o. SDE (G), Satyavedu.

3.B. Venkata Ramanaiah, S/o. S. Ramaiah,
Telephone Exchange, Puthalapati, O/o. SDE (G), Chittoor.
4.D. Sampangi, S/o. Dommappa,
O/o. SDE(G), Kuppam, Chittoor District.
5.M. Krishna Goud, S/o. M. Mallappa,
O/o. SDE(G), Kuppam.
6.C. Govindan, S/o. K. Chengannan,
Telecom Machanic, O/o. SDE (G), Kuppam.
(All are working as Telecom Mechanics under the control of General

Manager, Telecom District, Tirupathi.)

..... PETITIONERS

AND

1 The General Manager, Telecom District, Tirupathi, Chittoor District.
2 The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more in the nature of mandamus declaring that the petitioners are entitled for placement in the scale of Rs. 4000-100-6000 in the cadre of Telecom Mechanics on completion of 16 years of service from the date of their appointment as regular Mazdoors in terms of judgment of Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No.1966/99 dt. 9.8.2000 as confirmed by this Hon'ble Court in W.P.No.14744/2001 dt. 16.10.2003 and also in terms of Lrs.No.1-38/MPP-98 dt. 20.4.1999 and letter of No.1-38/98-MPP, dt. 20.9.1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of I.D.A. Scales.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MR.Y.RAVINDRA

Counsel for the Respondent Nos.1 to 4: MR.A.SURYACHANDRA RAO

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WRIT PETITION NO : 6464 of 2005

Between:

1.P.Nagulaiah, S/o. P.Lakshmiah,
Working under R.L.U.Chandragiri Exchange, BSNL, Under SDE, Tirupathi.
2.P.Krishnaaih, S/o. P.Ramaiah,
Working under R.L.U.Chandragiri Exchange, BSNL, Under SDE, Tirupathi.

3.D.Naga raj S/o. D.Mangaiah,
Under SDOP (Extn1.I), Tirupati.
4.M.Pratapah, S/o. M.Munaswamy,
Telecom Mechanic, Under SDOP, Tirupathi.
5.V.Kotaiah, S/o. V.Guravaiah,
Working under RLU Tuda, BSNL Exchange, Tirupathi.
6.C.T.Subramanya,, S/o. Tirumalaiah,
under SDE.Extnal.III. G.S.Mada St., Tirupathi.
7.M.Nadamuni, S/o. M.Munaiah,
Under SDO-1, K.T.Road, Tirupathi.
8.C.Murali, S/o. Late C.Shanmugam,
Working under SDE(G), Telecom, BSNL, Pakala, Tirupathi .
9.N.Jayarami Reddy, S/o. N.Kondareddy,
Working under R.S.U.BSNL Exchange-Pungunur, Chittor District.
10.R.Narasimhamurthy, S/o. R.Gururaja Chary,
Working under RLU, BSNL, Exchange-Puthipatala, Pungunur, Chittor

District.
11.K.Lakshmaiah, S/o. K.Changaiah,
Working under RLU, Chadragiri Exchange, Chittoor District.
12.S.Narasappa, S/o. S. Anumappa,
Working under Kuppam Exchange, Kuppam, Chittoor District.
(All are working as Telecom Mechanics under the Control of the G.M.,

Telecom, Tirupathi.)

..... PETITIONERS

AND

1 The General Manager, Telecom District, Tirupathi, Chittoor District.
2 The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
3 The Director General, Telecom, New Delhi.
4 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled for placement in the scale of Rs.4000-100-6000 in the cadre of Telecomm Mechanics on completion of 16 years of service from the date of their appointment as regular mazdoors/Group-D/Telegraphmen as the case may be in terms of judgment of Central Administrative Tribunal, Hyderabad Branch, Hyderabad in O.A.No.1966/99 dt. 9.8.2000 as confirmed by this Hon'ble Court in W.P.No.14744/2001 dt. 16. 10.2003 and also in terms of Lrs. No.1-38/MPP-98 dt. 20.4.1999 and letter of No1-38/98-MPP, dt. 20.9.1999 which removed the condition of minimum of 4 years of service in the restructured cadre with all consequential benefits including the benefit of I.D.A. Scales.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent No.1: MR.B.NARASIMHA SARMA

Counsel for the Respondent Nos.1 to 4: MR.A.SURYACHANDRA RAO

The court made the following:

COMMON ORDER:

All these writ petitions are filed by the petitioners, who are working as Telecomm Mechanics, seeking a declaration that they are entitled for placement in the pay scale of Rs.4000-6000 in the cadre of Telecomm Mechanics on completion of 16 years of service from the date of their first appointment as regular Mazdoor/Group-D/Telegrapher in terms of the judgment of the Central Administrative Tribunal, Hyderabad in O.A.No.1966 of 1999 dated 09.08.2000 and also the judgment of this Court in W.P.No.14744 of 2001 dated 16.10.2003 confirming the orders of the Central Administrative Tribunal.

According to the petitioners, they were originally appointed in the Telecomm Department, which later became part of BSNL, in the cadre of Group-D posts. However, according to the petitioners, there was re-categorisation and in that process, all the persons are entitled for placement in the pay scale of Rs.4000-6000 in the cadre of Telecomm Mechanics on completion of 16 years. As the benefit was not granted, some of the similarly placed persons approached the Central Administrative Tribunal vide O.A.No.1966 of 1999, which was allowed and the said order of the Tribunal was confirmed by this Court in the above referred writ petition. Therefore, the petitioners sought for similar treatment by placing them in the pay scale of Rs.4000-6000 which is applicable to Group-C employees of the respondent-Corporation.

The learned Standing Counsel appearing for the respondent-Corporation though fairly conceded that the issue in question is covered by a decision of a Division Bench of this Court referred to earlier, contended that as the petitioners have come up with the present writ petitions after a long lapse of time, they are not entitled for the relief. In support of his contention, he relied upon a decision of this Court in **Mohd.Ameeruddin and others v Osmania University, Hyderabad**, wherein the petitioners therein, who were the non-

teaching staff of Osmania University, sought for certain benefits basing on the Supreme Court judgment. In the said case, as the petitioners had already retired from service voluntarily without any protest at the age of 58 years between 1985 to 1996 and having not filed any writ petition questioning the age of supperannuation, they cannot now seek the relief in the light of the judgment of the Supreme Court in the year 1997. In the light of said decision, according to the learned Standing Counsel, the petitioners are also not entitled to any relief at all as the relief is barred by limitation.

Heard both sides and considered the material on record.

In the case relied upon by the learned Standing Counsel, the petitioners retired long back without any protest and without approaching any Court of law. They approached the Court only when certain other persons got the benefit from the judgment of the Supreme Court and, therefore, their claim was negatived. In the present case, admittedly, the petitioners are in service. Therefore, it is not proper and just to deny the benefit of higher scale of pay, which was extended to other similarly situated persons, on account of delay or laches. The benefit may be confined by restricting prospectively, but the relief cannot be totally rejected as the right to claim the scale of pay on par with others is a recurring right accrued every month.

In view of the above decision, there is no justification to deny the benefit to the petitioners to be treated on par with others, who are similarly placed, for placing in the pay scale of Rs.4000-6000. However, the claim of the petitioners is restricted prospectively granting the benefit only from 01.01.2005. The petitioners are not entitled for any back wages prior to the said period as admittedly the petitioners approached this Court by filing the present writ petitions only on 28.12.2004.

Accordingly, the respondents are directed to place the petitioners in the pay scale of Rs.4000-6000 applicable to Group-C employees from the date of their entitlement notionally, but the monetary benefits are only from 01.01.2005.

The writ petitions are accordingly allowed to the extent indicated

above. No costs.

14.06.2005

Note: Issue CC in one week. (B/O) VGB

To

1 The General Manager, Telecom District, Tirupathi, Chittoor District.

2 The General Manager, Telecom, West Godavari District at Eluru

3 The General Manager, Telecom, Cuddpah.
4 The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
5 The Director General, Telecom, New Delhi.
6 The Chairman & Managing Director, BSNL, Telecom, New Delhi.

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